**Document Review Checklist**

* Every document that will be shared with anyone outside of DEQ staff must go through management review. This includes reports and PowerPoint presentations.
* The Notice of Rulemaking and EQC Staff Report must also be reviewed and approved by the relevant Division Administrator.
* Each required reviewer should add their name and the date when they complete their final review and approve the document for distribution.

|  |
| --- |
| **Document Review Sign Off Sheet – EQC Staff Report** |
| **Reviewer** | **Name** | **Date** | **Date** | **Date** |
| Program Mgr. |  |  |  |  |
| DA |  |  |  |  |
| Communications |  |  |  |  |
| ARC or AQRC |  |  |  |  |

Instructions for this form are in gold font.

Delete all gold text before publishing document.

Links: [**LINK**](http://deqsps/programs/rulemaking/SitePages/Rulemaking%20Resources.aspx) go to SharePoint rulemaking resources and should be deleted before publishing.

If you use tables in your document, they must use the formatting illustrated in the table below, as to fonts and borders. You can copy and paste to other locations in the document.

|  |
| --- |
| C:\Users\mgoldst\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Word\LogoColorRegular.png**Table Title (Arial 16, bold)****Additional Title (Arial 14, bold)****Even More Info, Date (Arial 12, bold)**-use only solid line borders-for outside borders, use 21/4 thickness-for inside borders, use 11/4 thickness |
| **Subheading 1 (Arial 14, bold)** | **Subheading 2, (Arial 14, bold)** |
| **Sub-sub-heading 1 (Arial 12, bold)** | **Sub-subheading 2, (Arial 12, bold)** |
| Side heading (Arial 11) | Data (Times New Roman 12) | Data (Times New Roman 12) | Data (Times New Roman 12) |
| Side heading (Arial 11) | Data (Times New Roman 12) | Data (Times New Roman 12) | Data (Times New Roman 12) |
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|  |  |
| --- | --- |
|  | **State of Oregon Department of Environmental Quality** |
| **Oregon Environmental Quality Commission Meeting****Meeting Date****Agency Staff Report****Rulemaking Action Item No.****Rulemaking Name** |
|  |

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#

# DEQ Recommendation to the EQC

Choose one and delete the others, or draft your own recommendation based on these examples.

DEQ recommends that the Environmental Quality Commission adopt the proposed rules in Attachment A as part of Chapter 340 of the Oregon Administrative Rules.

You must include this exact language for SIP rulemakings.

DEQ recommends that the Environmental Quality Commission:

Adopt the proposed rules in Attachment A as part of chapter 340 of the Oregon Administrative Rules; and

Approve incorporating these rule amendments into the Oregon Clean Air Act State Implementation Plan under OAR 340-200-0040; and

Direct DEQ to submit the SIP revision to the U.S. Environmental Protection Agency for approval.

# Introduction

Copy and paste from Notice of Rulemaking.

**REVIEWERS do not edit or modify this section**

 Management reviewed and edited this section. It was then published with the Public Notice. Do not modify it except to correct typographical errors.

# Optional Additional Topic

This section is optional. If not used, it should be deleted. This section is to include information you think is important that is not covered in another section.

**REVIEWERS do not edit or modify this section**

 Management reviewed and edited this section. It was then published with the Public Notice. Do not modify it except to correct typographical errors.

## Enter freeform title here

TEXT

## Enter freeform title here

TEXT

# Statement of need

Copy and paste from Notice of Rulemaking.

**REVIEWERS do not edit or modify this section**

 Management reviewed and edited this section. It was then published with the Public Notice. Do not modify it except to correct typographical errors.

# Rules affected, authorities, supporting documents

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# Fee Analysis

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# Statement of fiscal and economic impact

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# Federal relationship

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# Land use

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# EQC Prior Involvement

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# Advisory Committee

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# Public Engagement

Copy and paste from Notice of Rulemaking.

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## Public Hearing

New section – not copied from Notice of Rulemaking

DEQ held one (a) public hearing(s). DEQ received XX comments at the hearing. Later sections of this document include a summary of the XX comments received during the open public comment period, DEQ’s responses, and a list of the commenters. Original comments are on file with DEQ.

### Presiding Officers’ Record

#### Hearing 1

|  |  |
| --- | --- |
| Date |  |
| Place |  |
| Start Time |  |
| End Time |  |
| Presiding Officer |  |

#### Presiding Officer:

The presiding officer convened the hearing, summarized procedures for the hearing, and explained that DEQ was recording the hearing. The presiding officer asked people who wanted to present verbal comments to sign the registration list, or if attending by phone, to indicate their intent to present comments. The presiding officer advised all attending parties interested in receiving future information about the rulemaking to sign up for GovDelivery email notices.

As Oregon Administrative Rule 137-001-0030 requires, the presiding officer summarized the content of the rulemaking notice.

EITHER:

XX number of people attended the hearing in person and XX number of people attended by teleconference or webinar. XX number of people commented orally and XX number of people submitted written comments at the hearing.

OR:

No person presented any oral testimony or written comments.

## Summary of Public Comments and DEQ Responses

### Public comment period

DEQ accepted public comment on the proposed rulemaking from DATE until 4 p.m. on DATE.

For public comments received by the close of the public comment period, the following table organizes comments into NUMBER OF CATEGORIES categories with cross references to the commenter number. DEQ’s response follows the summary. Original comments are on file with DEQ.

Select one of the following two statements:

DEQ did not change the proposed rules in response to comments.

DEQ changed the proposed rules in response to comments described in the response sections below.

Select one option below

OPTION ONE

#### Comment 1

DEQ received XX NUMBER comments in this category from commenters Cross reference to commenter number or numbers submitted in this category using format ##, ##, ## and ##.

#### Response

#### Comment 2

DEQ received XX NUMBER comments in this category from commenters. Cross reference to commenter number or numbers submitted in this category using format ##, ##, ## and ##.

#### Response

#### Comment 3

DEQ received XX NUMBER comments in this category from commenters. Cross reference to commenter number or numbers submitted in this category using format ##, ##, ## and ##.

#### Response

OPTION TWO

### Comments received by close of public comment period

The table below lists people and organizations that submitted public comments about the proposed rules by the deadline. Original comments are on file with DEQ.

Use one of the two alternate formats for listing commenters; either a list or a table.

#### Commenter 1 NAME

AffiliationORGANIZATION

This commenter submitted comments under categories Cross reference to comment category using ##, ##, ##, and ## format in the *Summary of comments and DEQ responses* section above.

Commenter 2 NAME

AffiliationORGANIZATION

This commenter submitted comments under categories Cross reference to comment category using ##, ##, ##, and ## format in the *Summary of comments and DEQ responses* section above.

Commenter 3 NAME

AffiliationORGANIZATION

This commenter submitted comments under categories Cross reference to comment category using ##, ##, ##, and ## format in the *Summary of comments and DEQ responses* section above.

OPTION THREE

| **List of Comments** |
| --- |
| **Comment #** | **Comment Summary** | **Commenter Numbers** |
| 1 |  |  |
| 2 |  |  |
| 3 |  |  |

| **List of Commenters** |
| --- |
| **#** | **Name** | **Organization** | **Comment Number** | **Hearing #** |
| 1 |  |  |  |  |
| 2 |  |  |  |  |
| 3 |  |  |  |  |

# Implementation

Do not copy from Notice of Rulemaking.

## Notification

The proposed rules would become effective upon filing on approximately DATE mmm, dd, yyyy. DEQ would notify affected parties by:

*
*
* Describe Notification (PARTIES AND METHOD USED TO PROVIDE NOTICE)

## Compliance and enforcement

Affected parties -Text

DEQ staff - Text

## Measuring, sampling, monitoring and reporting

Affected parties - Text

DEQ staff - Text

## Systems

Website - Text

Database - Text

Invoicing - Text

## Training

Affected parties - Text

DEQ staff - Text

# Five Year Review

Leave blank – rules coordinator will complete this section

ORS 183.405

## Requirement

Oregon law requires DEQ to review newrules within five years after EQC adopts them. The law also exempts some rules from review. DEQ determined whether the rules described in this report are subject to the five-year review. DEQ based its analysis on the law in effect when EQC adopted these rules.

### Exemption from five-year rule review

DELETE THIS PARAGRAPH IF NO RULES ARE EXEMPT FROM REVIEW:

The Administrative Procedures Act exempts CHOOSE ONE: SOME … ALL of the proposed rules from the five-year review because the proposed rules would:

DELETE ANY THAT DON’T APPLY:

 Amend or repeal an existing rule. ORS 183.405(4).

 Implement a court order or a civil proceeding settlement. ORS 183.405(5)(a).

 Adopt a federal law or rule by reference. ORS 183.405((5)(b).

 Implement legislatively approved fee changes. ORS 183.405(5)(c).

 Correct errors or omissions in the existing rules. ORS 183.405(d).

DELETE THIS PARAGRAPH IF ANY OF THE RULES ARE EXEMPT FROM REVIEW:

None of these proposed rules are exempt from the five-year review under ORS 183.405(4) and 183.405 (5) of the Administrative Procedures Act.

### Five-year rule review required

No later than DATE FIVE YEARS FROM ADOPTION. DEQ will review the newly adopted rules for which ORS 183.405 (1) requires review to determine whether:

The rule has had the intended effect

The anticipated fiscal impact of the rule was underestimated or overestimated

Subsequent changes in the law require that the rule be repealed or amended

There is continued need for the rule.

DEQ will use “available information” to comply with the review requirement allowed under ORS 183.405 (2).

DEQ will provide the five-year rule review report to the advisory committee to comply with ORS 183.405 (3).

# Accessibility Information

You may review copies of all documents referenced in this announcement at:

Oregon Department of Environmental Quality

700 NE Multnomah St., Ste. 600

Portland, OR, 97232

To schedule a review of all websites and documents referenced in this announcement, call RULE WRITER, LOCATION, PHONE NO. (800-452-4011, ext. 5622 toll-free in Oregon).

DEQ can provide documents in an alternate format or in a language other than English upon request. Call DEQ at 800-452-4011 or email deqinfo@deq.state.or.us.